



COMMODITY FUTURES TRADING COMMISSION

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Enforcement

July 11, 2018

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By ECF

The Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
New York, New York 11201

Re: *Commodity Futures Trading Commission v. Patrick K. McDonnell and CabbageTech, Corp. d/b/a Coin Drop Markets*, No. 18-CV-00361 (JBW)(RLM)

Dear Judge Weinstein:

I represent Plaintiff Commodity Futures Trading Commission in the above-referenced matter. Plaintiff opposes Defendant Patrick K. McDonnell's request to postpone tomorrow's proceedings in this matter. This is yet another transparent attempt by McDonnell to delay the swift administration of this case,¹ in which the Commission seeks redress for the victims of McDonnell's willful and blatant fraudulent schemes. These victims have been waiting for months to bring McDonnell to justice, and several of these victims undertook significant time and effort to appear before Your Honor this week, as scheduled, to be heard.

After being afforded months to prepare for this week's proceedings and representing to Your Honor that he has worked "24 hours a day on this case" (*see* Tr. Trans. 4:15 (July 9, 2018)), McDonnell now claims a purported lack of preparation and research is an excuse to further delay being held to account for his serious misconduct. Although McDonnell also raises his work schedule as an excuse, he provides no justification for failing to raise scheduling issues at an earlier time. This Court should not countenance McDonnell's request. Furthermore, with respect to McDonnell's request for appointment of counsel, this issue was already raised and decided on Monday, and McDonnell provides no basis for reversing the Court's decision.

Finally, McDonnell's request "to argue the evidence" by motion is misplaced. As Your Honor suggested towards the end of today's proceedings, the Commission proposes that it provide its summation tomorrow, as scheduled, at which time the Commission will propose a schedule for briefing and oral argument of the Commission's proposed findings of fact and conclusions of law. (*See* Tr. Trans. 417:18-25 (July 11, 2018).) The briefing schedule and oral

¹ McDonnell's numerous attempts to avoid or delay discovery in this action have previously been detailed for Hon. Chief Magistrate Judge Mann. (*See* ECF 102.)

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argument will provide McDonnell ample opportunity to oppose the Commission's proposed findings of fact and conclusions of law if he so chooses.

The Commission intends to appear tomorrow at 10:30 a.m. as scheduled and will be prepared to present its summation at that time.

Respectfully submitted,

/s/ Alejandra de Urioste

Alejandra de Urioste

Enclosures

cc: Patrick K. McDonnell